



Ottawa, 23 February 2011

Ref. No.: 522253

BY E-MAIL

Mr. Ken Thompson
Director and Counsel Copyright and Broadband Law
Rogers Communications Incorporated
333 Bloor St. East
Toronto, Ontario
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ken.thompson@rci.rogers.com

Dear Mr. Thompson:

Re: Complaint regarding Rogers' Internet traffic management practices

Commission staff is in receipt of the attached customer complaint regarding the operation of Roger's Communications Inc. (Roger's) Internet traffic management practices (ITMPs) applied to its Internet services using cable modems.

Commission staff notes that in paragraph 125 and 126 of Telecom Regulatory Policy 2009-657, *Review of the Internet traffic management practices of Internet service providers*, 21 October 2009, the Commission determined that ITMPs that result in a noticeable degradation of time sensitive audio or video traffic require prior Commission approval under section 36 of the *Telecommunications Act*.

In view of this regulatory requirement, Commission staff requests that the response specifically address the customer's allegation that the Rogers ITMP incorrectly identifies time sensitive traffic generated by inter-active games as P2P traffic, subjecting such traffic to the ITMP and rendering the games unusable.

Commission staff requests that Rogers provide a response to this complaint by **22 March 2011**, with a copy to the complainant.

Please direct your further correspondence to Patrick Owens of my staff (patrick.owens@crtc.gc.ca). Should you have any questions about this request, you may call Patrick at (819)953-7159.

Yours sincerely

Original signed by

Yvan Davidson
Acting Director General
Competition, Costing & Tariffs

cc: Teresa Murphy, resa1983@hotmail.com
Patrick Owens, patrick.owens@crtc.gc.ca
Attachment

Correspondence Profile

Client Info

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Date Registered: 15/02/2011 15:46 PM

Date Arrived: 15/02/2011

I'm writing to you today in regards to Rogers' letter dated yesterday, February 14, 2011 in which Mr. Thompson states the issue with slow P2P downloads is the application itself, and NOT their throttling practices. To be blunt, it's a pack of lies.

How do I know this? Because I've been affected by this (along with MANY other Rogers users) because Rogers' filters are picking up several very low bandwidth-intensive games incorrectly as P2P activity. Provided these games are fully patched, they can play on a dialup connection with minimal issues, and uses approximately 100-200MB of your monthly cap (as stated by a game manufacturer employee, on the game's public forums). It's really not that much considering a single Netflix video in HD is 4GB. These games are time-sensitive applications (such as VOIP is), and like any time-sensitive application will lose connection if throttled, which is why they aren't supposed to be throttled. There are even now reports on the Rogers section of DSLReports.com of Rogers throttling Skype, a VOIP application. Essentially if the upload were throttled, Rogers users would have difficulties sending chat in-game (along with many other issues popping up), and other users wouldn't see these Rogers' customers activities. If the download were throttled, we'd be seeing increased latency in-game (ie, a delay in game actions, making it more difficult to actually play) and disconnections. Unfortunately we can't even see the throttled upload, as the throttling on the download causes a disconnection to the applications way too quickly, and in many cases, it's an instant disconnection as soon as you connect to the game server. Add to this, running a VPN (which encrypts/masks your traffic so Rogers can't see what it is, so can't tell that it should be shaping it) allows the game to run with no problems.

Since November (approximately the same time as Justin McKillican complained to the CRTC regarding download speeds in P2P applications being throttled) users have been complaining to Rogers about disconnections and latency increases, making gaming in World of Warcraft and Starcraft 2 impossible to do during peak periods (which just happens to be when Rogers shapes traffic). Unfortunately, nothing was done because Rogers Tier 1 Tech Support workers refused to open service tickets to actually look into the issue, and to add to this, they vehemently denied Rogers was throttling/packet shaping at all to customers, despite the ITMP stating (at the time) they did indeed throttle P2P uploads.

A Rogers PR employee admitted to mistakenly throttling non-P2P connections on the DSLReports website back in October:
<http://www.dslreports.com/forum/r24994463->

As you can see from responses, their throttling is not just limited to upstream, but also affects downstream (download speeds). Since October however, it's not been fixed.

Rogers employees on their own forums have been stating that these games use P2P to run, which is why they're being throttled, and that the game manufacturer needs to change the game. Add to this, Rogers employees have been telling us gamers to disable any P2P, wait 10 minutes, and try the game again. (For the record, these games do NOT use P2P, never have and never will.) I see this as a CLEAR indication that they're knowingly throttling up/down stream of the entire connection while P2P is active, whether it really IS active, or they just think it is.

I don't use P2P at ALL, and yet I'm still affected by this issue because Rogers sees my gaming traffic incorrectly as P2P.

Also, why is it that users who were on Rogers (who throttles), and switch to Teksavvy Cable (using Rogers lines, but doesn't throttle) can suddenly play the game with absolutely NO problems, when previously the user couldn't stay connected to the game for more than 5 minutes at a stretch.

With everything stated above, it's clear that Rogers is throttling the downstream of the entire connection when P2P is active. They're lying about it to their customers, they're lying about it to the CRTC.

I opened a complaint ticket with the CCTS (as per the CRTC website), however my complaint was closed stating it's not an issue for them to look into because it has to do with internet applications.

So I turn to you after seeing your email on the documents for contacting the office dealing with this issue against Rogers. Please add my complaint to Justin McKillican's against Rogers.

Rogers is throttling the downstream of the connection despite the letter their lawyer says it's not happening. If they weren't throttling download, users wouldn't be disconnecting from these games for no reason.

Personally, I wouldn't even care about P2P being throttled, except for the fact that Rogers' filters are so shoddy they're lumping non-P2P in with P2P, making many applications completely unusable.

Please continue to look into this. It's not fair that Rogers customers are paying for a service they can't even use.